



The REAP Record

The Official Publication of the
[Redwood Empire Association of Paralegals](http://www.redwoodparalegals.org)
Summer 2009 Newsletter

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REAP

REAP was established in 1981 under the name Redwood Empire Legal Assistants (RELA) as a professional and educational organization for legal assistants and paralegals.

REAP
P.O. Box 143
Santa Rosa, CA 95402

[REAP Membership Info.](#)
[Membership Application](#)

REAP

is also a member of CAPA,
the
[California Alliance of
Paralegal Associations](#)

President's Message

By [Grace De La Torre](#), CP and REAP President

Scholarship

The REAP Board has something exciting to announce: this fall will be able to provide a \$500.00 scholarship to one of our student members. The scholarship will be awarded to a student member of REAP who is currently enrolled in a paralegal program. The application will be available on our website <http://www.redwoodparalegals.org/> by August 1, 2009; the application will also be sent as an e-mail attachment to this newsletter.

We will be holding interviews of applicants at our Friday, September 18, 2009, board meeting. The recipient of the award will be announced at our General Meeting at the end of September. The REAP Board is very pleased that we will be able to offer this opportunity to a student this year and hopes to continue this scholarship in the upcoming years. The following dates are important to remember:

- **August 1, 2009** – Application for student scholarship will be accessible online at REAP website.
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- **September 1, 2009** – Deadline for completion of scholarship and submission to REAP Board.
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- **September 18, 2009** - REAP will hold applicant interviews.

Elections

A general membership meeting is scheduled for September 24, 2009, at which time elections will be held. Members should be expecting proxies by e-mail by the end of the month. Please contact me, if you are interested in joining the REAP Board or if you would like more information. REAP needs your support. Please contact me at gdelatorre@sbcglobal.net

Volunteering

There are opportunities to volunteer for REAP committees. If you just have an hour or two to contribute to help REAP prosper, that is wonderful. It takes a commitment from all of us to make our organization strong. Please do not forget to check out our website at <http://www.redwoodparalegals.org/>.



CAPA Corner

By [Trudy McQuiddy](#)

Trudy, a litigation paralegal at [Senneff, Freeman & Bluestone, LLP](#), is REAP's CAPA Representative

The [California Alliance of Paralegal Associations](#) (CAPA) held its 21st Educational Conference on June 27, 2009 aboard the Queen Mary in Long Beach. Titled "Treasures of Success," the conference lived up to its billing, providing opportunities for attendees to earn 5 MCLE credits throughout the day.

Topics presented were interesting and varied and included maritime law, discovery, employment law, digital privacy and forensics, appeals, the real estate downturn, trial strategies, elder law and conflicts of interest.

The Conference ended with a reception and awarding of prizes from the opportunity drawing.

A meeting of the CAPA Board of Directors followed the conference on Sunday, June 28. One of the more interesting features of CAPA Board meetings are the reports made by each member association on its current activities. These reports often provide ideas that can be brought back to our own association for consideration and future implementation. Some activities reported on included career days, opportunities for community service, and suggestions on building membership and promoting the paralegal profession within our community. CAPA also continues to work towards updating its bylaws and policies and procedures.

November 7, 2009, the [San Diego Paralegal Association](#) will host the [CAPA Leadership Conference](#) at the [Bahia Hotel](#) in San Diego. Conference registration is only \$65, and the information presented is relevant to anyone. The next meeting of the CAPA Board of Directors will take place on November 8, 2009, following the Leadership Conference in San Diego. Don't forget to check out the CAPA website at www.caparalegal.org for information on CAPA events and benefits.

2009 Resource Directory Is Here!

CAPA's 2009 Resource Directory is now available for viewing/download from Google Docs. This directory is compiled by paralegals state-wide, and gives you information on service providers throughout California to help you when you're practicing outside of your regular jurisdictions. The directory is being provided free to REAP members as a membership benefit.

Here is a link to the directory: <http://docs.google.com/fileview?id=F.2876abef-fd9c-42b3-887c-3af88c07a2fb>. To access the directory, you must log in. The user name is "reapmembership" and the password is "REAP2009."



New Member Report

Two new members joined the ranks of REAP this quarter, according to membership committee chair, [Christina Welch](#).

The new members are: **Nilu Afshar** and **Amanda Gernhardt**. Welcome aboard!



Editor's Corner

By [Jeff DiCello](#), Editor

News & Tips for Paralegals

Paralegal Fees

Montana has joined the ranks of states holding that an attorney fee award may include reasonable paralegal fees.

In May, the Montana legislature enacted [House Bill 301](#), which states “in any case or proceeding in which attorney fees are awarded to the prevailing party, the court may, as a component of the attorney fees, include reasonable fees of a paralegal.” The bill also defined the word “paralegal” and laid out educational requirements for becoming a paralegal.

In my view, legislation like this is important because as more states move toward including paralegal fees in attorney fees awards, the demand for paralegals will almost surely rise, legal services will become more affordable and more widely available.

Paralegal Registration

South Carolina is considering setting up a voluntary paralegal registration process with its state bar. A task force has been set up to explore how the registration process would work and what type of fee should be charged.

Of note is the fact that South Carolina does not have a statutory definition of a paralegal. However, case law from that state has defined a paralegal as one who does work of a preparatory nature (e.g. legal research, investigation, drafting legal documents) for licensed attorneys.

Closer to home, Oregon is considering enacting standardized educational requirements for paralegals in that state. Currently in Oregon, anyone can call oneself a paralegal, a fact that raises consumer protection issues.

Although no state currently maintains mandatory certification or licensure requirements for paralegals, several states have voluntary certification programs and minimum educational requirements.

As I see it, as more states standardize paralegal educational requirements and require some form of registration or monitoring, the quality of paralegal services will rise, the demand for paralegals will increase and consumers of legal services will be better served.

Paralegal Stats

[NALA](#)'s 2008 National Paralegal Utilization and Compensation Survey Report is out. View the report [here](#). The [Paralegal Occupational Outlook Handbook](#) 2008-2009 is available from the [Bureau of Labor Statistics](#).

Legal Writing Tools for Paralegals

Here is a nice [article](#) by veteran paralegal and author Celia Elwell on how to create those troublesome tables of contents and table of authorities for briefs.

Here are links to Microsoft's' tutorial on how to create a table of authorities in [Word 2003](#) and [Word 2007](#).

Citation Format Cheat Sheet

Here's a concise "[cheat sheet](#)" containing legal citation format rules from the [California Style Manual](#) (CSM). It's written by a law professor at the McGeorge School of Law at UPO.

Speaking of the CSM, there's a handy companion book called [Using the California Style Manual and the Bluebook](#). Around these parts, the CSM is the citation bible, while the famed [Bluebook](#) is used in the federal (and some state) courts. The companion provides usage guidance for the two disparate citation formats. The Bluebook is also available as an [online](#) subscription.

Ethics: What about the All-Important Five Cs?

By Vicki Voisin

When you consider ethics issues, there are five areas that you must pay attention to...and each begins with the letter 'C': **C**onflicts, **C**onfidentiality, **C**ash, **C**ompetence and **C**ommunication. Ethics are covered by the [American Bar Association's Model Rules of Professional Conduct](#) and also by your state's model rules. For purposes of this article, I will refer to the ABA's Model Rules.

1. Conflicts: Model Rules 1.7-1.11 refer to conflicts of interest that attorneys may encounter. Here are some tips to avoid conflicts:

- Have a system in place to check conflicts. This should include both former and current clients.
- Who's the client? Be sure it is clear whom the firm is representing. Is it the husband, the wife, or the husband and the wife? Is it the insurance company or the insured? The corporation or a corporate employee?
- Never use information you have gathered during the representation of a client to later sue that client.
- Pay attention to new hires, both attorneys and support staff. If they have a conflict, the firm may avoid disqualification by obtaining waivers from opposing parties and by screening the employee from contact with the matter.

2. Confidentiality: Model Rule 1.6 refers to the duty to keep all information related to the representation of a client confidential.

- Never discuss client matters with anyone outside the office. This includes billing information and factual situations...even if you don't mention the client's name. 'Outside the office' includes the hallway, elevator, restrooms, courthouse hallways, restaurants, parties and seminars.
- Be careful when you're using electronics. Conversations on a cell phone have an expectation of privacy but only when the parties take steps to keep the conversation private. Keep careful watch over your lap top...if it's stolen, a wealth of data could be lost or compromised.
- Emails and faxes also have an expectation of privacy but you should always have the client's permission (preferably in writing) before communicating this way. Be sure the client is available to receive the email or the fax so that the communication is not intercepted by a third party.
- There are some exceptions to the confidentiality rule: to prevent the client from killing or seriously harming someone; to prevent the client from committing a crime; to bring or defend a claim against a client. In each of these situations, the attorney may disclose only information essential to the matter.

3. Cash. Model Rule 1.15 covers the duty to protect the client's property.

- Know your state's rules regarding this duty as it varies from state to state.
- The client's funds cannot be commingled with the firm's funds. (*Continued on next page*)

- The firm can't 'borrow' from the client's funds, even with the intention of repaying the money before anyone finds out.
- The client's money may be transferred to the firm's business account only at such time as the fees are earned.
- Every firm must maintain a separate trust account which is also referred as an IOLTA account. (IOLTA = Interest on Lawyer Trust Accounts)
- There are strict rules for reconciling the trust account and also for persons who are allowed to handle the account. Again, check your state's rules for more information.

4. Competence. Model Rule 1.1 refers to the duty of the attorney to possess the legal knowledge and expertise to handle the client's issues.

- Have the resources and the time to handle the client's case, including properly trained staff and the necessary equipment.
- Be sure to attend appropriate continuing education events.
- Manage time effectively so that deadlines are met.
- Assess staff workload regularly to be sure work is getting done.
- Delegate work according to ability.

If an action doesn't feel right or ethical, it probably isn't

5. Communications. Model Rule 1.4 covers the duty to adequately and appropriately communicate with clients.

- Be sure clients understand that the attorney is not always available for immediate response and provide alternative personnel for the client to use to relay messages.
- The so-called "Blackberry Culture" has clients expecting attorneys to be available 24/7 and to respond immediately. Explain to clients that their issues are important and that they will receive a response once the matter has been given the careful consideration it deserves.
- While the attorney may delegate much client contact to paralegals, the attorney is obligated to maintain a direct relationship with the client.
- Clients must be kept reasonably informed of the status of the case and provided with enough information to make decisions.
- Withdrawal from a case requires special steps. The client must be informed and, in most instances, their file must be made available to them.

One last rule: Model Rule 5.3 refers to the lawyer's duty with regard to non-lawyer assistants:

(a) A partner, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;

(Continued on next page)

(b) A lawyer having direct supervisory authority over the non-lawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and

(c) A lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:

(1) The lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or

(2) The lawyer is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

The paralegal's challenge: Familiarize yourself with the [ABA's Model Rules of Professional Conduct](#), as well as the rules that have been adopted by your state. The ABA also has [Guidelines for the Utilization of Paralegal Services](#) that can be reviewed at www.abanet.org. The attorney's ethical obligations are your obligations, too, and you should thoroughly understand the all-important **5 C's: Conflicts, Confidentiality, Cash, Competence and Communication**. In the end, though, trust your instincts: if an action doesn't feel right or ethical, it probably isn't. Every state bar maintains an [ethics hot line](#). Call yours if you have questions.

About the author: Vicki Voisin, "The Paralegal Mentor," delivers simple strategies for paralegals and other professionals to create success and satisfaction by achieving goals and determining the direction they will take their careers. Vicki spotlights resources, organizational tips, ethics issues, and other areas of continuing education to help paralegals and others reach their full potential. She publishes a bi-weekly e-zine titled [Strategies for Paralegals Seeking Excellence](#). Visit Vicki's website at: <http://www.paralegalmentor.com>



Educational Seminar Report:

Obtaining Medical Records and Bills in Personal Injury Cases

By [Jeff DiCello](#), REAP Record Editor

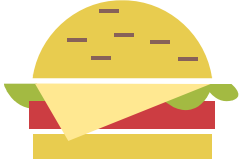
On May 21, REAP sponsored a very informative seminar entitled *Obtaining Medical Records and Bills in Personal Injury Cases*.

Presented by Kimala Krchnavi, a personal injury (PI) paralegal at [Hinton, Cochran & Borba, LLP](#), the seminar outlined - through the liberal use of helpful handouts - the paralegal's role in obtaining medical records and bills; why bills and records are needed in PI cases; tips for obtaining bills and records; and suggestions for organizing the records. Kimala also explained how subrogation works and how to deal with unexpected problems that crop up in PI cases.



Kimala Krchnavi

Photo by Monica Lehre



Monthly Paralegal Lunches

Each month paralegals working in the downtown Santa Rosa area meet informally for lunch. You do not have to be a REAP member to attend. These informal lunches are a great way to meet other members who work near you.

When: The second Tuesday of each month.

Time: Noon to 1:00 PM. We are in and out in one hour so you can get back to work on time.

Where: At a restaurant in the downtown Santa Rosa area. E-mail reminders with the exact location are sent out a few days before the event.

How Much Does It Cost? There's no fixed cost; each member pays his/her own check and decides what to order and spend.

REAP Membership Information

- 1. Voting Member** (dues: \$42.00 per year). Voting members are defined as qualified paralegals by education or valid declaration. REAP membership application: [Click Here](#)
- 2. Associate/Non-Voting Member** (dues: \$30.00 per year). Associate/non-voting members are defined as attorneys, paralegal educators or members of the Sonoma County Bar Association.
- 3. Student Member/Non-Voting Member** (dues: \$20.00 per year). Student/non-voting members are defined as current paralegal students.
- 4. Sustaining/Non-Voting Member** (dues \$50.00 per year). Sustaining/non-voting members are defined as individuals, law firms and companies that endorse and promote the paralegal profession.

Membership Period: REAP's bylaws provide that the REAP membership period is from Jan. 1 to Dec. 31 of each year.

Full Amt. Due: The full amount of dues must be paid when joining REAP, regardless of date of application. First time (new) members joining after Sept. 1 retain their membership for 16 months (until Dec. 31 two years after they join).

Due Date: Renewal memberships are due Jan. 1 and become delinquent on April 1, at which time membership is terminated. If past members reinstate after April 1, they are not treated as new members under this agreement.

Voting Eligibility: Only active members in good standing 45 days before the annual or special meeting shall have been called to order shall be qualified to vote at membership meetings or upon other matters coming to the members for action.

Who Cannot Vote: No active member who is delinquent in the payment of any dues or other assessments shall be qualified to vote. In no event shall student, sustaining or associate members vote.

REAP Board, Mentors & Committee Contact Info.



REAP Board Members

Name/Office	E-mail Address	Telephone
Grace De La Torre President	gdelatorre@sbcglobal.net	H: 433-8183 W: 522-8251
Janet Jefferson Vice-President	jjefferson@cfk.com	W: 523-1181
Monica Lehre Secretary	mlehre@empirecollege.com	546-4058 or 217-8117
Ginger Orosco Treasurer/Webmaster	gorosco@obrienlaw.com or webmaster@redwoodparalegals.org	W: 545-7010 ext. 470
Trudy McQuiddy CAPA Primary	tmcquiddy@senneffflaw.com	H: 526-9509 W: 526-4250

Area of Law Mentors & REAP Committees

Name/Mentor Area/Chair	E-mail Address	Telephone
Janet Anderson Probate Mentor	janet.anderson@azdgg.com	H: 527-0886 W: 545-4910
Renee Ramsey Family Law Mentor	rramsey@perrylaw.net	546-4677
Rhetta Hinton Litigation/ Discovery Mentor	rhetta@shapirogalvinlaw.com	544-5858
Joni Boucher Computer Legal Research Mentor	joni.boucher@yahoo.com	
Grace De La Torre CLA Exam Mentor	gdelatorre@sbcglobal.net	433-8138
Jeff DiCello Criminal Law Mentor Newsletter Chair	jeffdicello@comcast.net or newsletter@redwoodparalegals.org	537-0475
Monica Lehre & Anne Goodwin Educational Committee Chairs	mlehre@empirecollege.com or annegoodwin@att.net	
Christina Welch Membership Committee	membership@redwoodparalegals.org	
Teresa Lyons Public Relations Committee	pr@redwoodparalegals.org	
Gerie Johnson , Chair, Student Outreach Committee (SOC)	geriemichele@hotmail.com	623-4305
Katie Cromwell , Ranking Member SOC	cromwell.k@gmail.com	
Carmen James , Ranking Member of SOC	c_james83@comcast.net	
Lorraine Dickerson , Ranking Member of SOC	lorrainedickerson@empirecollege.com	



REAP/Legal Community Event Calendar

REAP encourages its members to attend its own educational seminars and those sponsored by the Sonoma County Bar Association (SCBA). For more information on upcoming REAP seminars, contact REAP's educational committee co-chairs, [Monica Lehre](#) or [Anne Goodwin](#). For information on REAP and SCBA seminars, you can refer to our legal event [calendar](#), below.

For more information about any event held at or sponsored by the Sonoma County Bar Association, please call 542-1190 or visit the association's [website](#).

Event	Date/Time	Location
Top 10 Filing errors in Sonoma County The Superior Court	Thurs., July 16, 2009/11:45 am to 1:30 pm	Sonoma Co. Bar Assoc. 37 Old Courthouse Sq. Santa Rosa
Business Continuity Planning	Thurs., Aug. 6, 2009/11:45 am to 1:30 pm	Sonoma Co. Bar Assoc. 37 Old Courthouse Sq. Santa Rosa
Impact of the Current Climate on the Legal Profession w/U.S. Rep. Mike Thompson	Fri., Aug. 28, 2009/11:30 am to 1:30 pm	Fountain Grove Inn 101 Fountaingrove Pkwy. Santa Rosa
Detection and Prevention of Substance Abuse	Fri., Sept. 11, 2009/11:45 am to 1:00 pm	Sonoma Co. Bar Assoc. 37 Old Courthouse Sq. Santa Rosa
Jury Selection (Civil Lit. Do's & Don'ts Series)	Tues., Sept. 15, 2009/11:30 am to 1:00 pm	Fountain Grove Inn 101 Fountaingrove Pkwy. Santa Rosa
Grief Matters Understanding and Responding to Grief in Estates and Trusts	Thurs., Sept. 24, 2009/2:45 pm to 6:00 pm	Sonoma Co. Bar Assoc. 37 Old Courthouse Sq. Santa Rosa
Getting and Keeping Your Legal Job in a Tough Job Market Presented by Ceanne Herndon, Law Office Administrator for O'Brien Watters & Davis AN OFFICIAL REAP EVENT	October 2009/ Exact date and time to be announced	Sonoma Co. Bar Assoc. 37 Old Courthouse Sq. Santa Rosa
Why Some Good Attorneys Overbill Their Clients	Wed., Oct. 7, 2009/5:45 pm to 8:30 pm	Sonoma Co. Bar Assoc. 37 Old Courthouse Sq. Santa Rosa
Incapacity Planning	Thurs., Oct. 15, 2009/11:45 am to 2:00 pm	Sonoma Co. Bar Assoc. 37 Old Courthouse Sq. Santa Rosa
The Do's & Don'ts of Criminal Law: Search & Seizure & Sentencing	Wed., Oct. 21, 2009/3:30 pm to 7:00 pm	Fountain Grove Inn 101 Fountaingrove Pkwy. Santa Rosa
The Nuts and Bolts of Trust and Probate Litigation	Thurs., Nov. 5, 2009/3:45 pm to 6:00 pm	Sonoma Co. Bar Assoc. 37 Old Courthouse Sq. Santa Rosa